

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY**

JOHN GERICKE, Individually and on
behalf of All Individuals similarly
situated,

Plaintiffs,

v.

TRUIST D/B/A OR F/K/A BRANCH
BANKING AND TRUST COMPANY
and JOHN DOES 1-10,

Defendants.

Civil Action No.

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1331-1332, Truist Bank, formerly known as Branch Banking and Trust Company (“BB&T”), as successor by merger to Susquehanna Bank (collectively “Truist Bank” or “Defendant”) (improperly named as “Defendant Truist d/b/a or f/k/a Branch Banking and Trust Company”), by its attorneys, hereby removes this action from the Superior Court of New Jersey, Law Division, Gloucester County to the United States District Court for the District of New Jersey. In support of this Notice of Removal, Defendant states as follows:

1. Plaintiff originally commenced this action by filing a Complaint against Defendant in the Superior Court of New Jersey, Law Division, Gloucester

County, New Jersey, under docket number GLO-L-000112-20. No further proceedings before the state court have occurred.

2. Pursuant to 28 U.S.C. §1446(a), a copy of the Complaint, the only process, pleading, or order sent but not properly served upon Defendant in this action, is attached hereto as **Exhibit A**.¹

3. Plaintiff attempted to serve the Complaint on Defendant on or about February 20, 2020 by Sheriff in North Carolina, instead of Corporate Trust Company, Defendant's appointed registered agent in New Jersey for service of process.

4. Defendant has received the Complaint and accepted service, through undersigned counsel on March 19, 2020.

5. This Notice of Removal is timely filed, having been filed within thirty (30) days of the date on which the Defendant accepted service of the Complaint. 28 U.S.C. §1446(b).

6. The Superior Court of New Jersey, Law Division, Gloucester County, is located within the District of New Jersey. Therefore, venue is proper because the action is being removed to the "district court of the United States for the district and division embracing the place where such action is pending." 28 U.S.C. §1441(a).

¹ The Exhibits to the Original Complaint have been redacted to remove personally identifying information of the Plaintiff, including loan numbers and social security numbers, in accordance with applicable law. See Fed. R. Civ. P. 5.2

7. No previous application has been made for the relief requested herein.

8. This action is a civil action over which this Court has diversity jurisdiction under 28 U.S.C. § 1332.

9. Defendant Truist Bank is a North Carolina State-Chartered Bank. Defendant's principal place of business is currently (and was at the time the Complaint was filed) located in Charlotte, North Carolina. Truist Bank is, therefore, a citizen of North Carolina for purposes of 28 U.S.C. § 1332(a)(1) and (c)(1).

10. Plaintiff, by his admission, is a resident of New Jersey residing at 238 Hampshire Drive, Deptford, New Jersey.

11. The amount in controversy exceeds \$75,000.00. Plaintiff identifies his damages as (1) either the judgment debt of \$199,427.80 or (2) the alleged taxes of \$59,269.46 on that judgment debt, together with additional treble damages, attorneys' fees and litigation costs, either of which exceeds the \$75,000.00 amount in controversy requirement of 28 U.S.C. § 1332(a).

12. Because this action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1332(a)(1) due to the complete diversity of the parties that existed at the time the Complaint was filed and continues to exist to date, and an amount in controversy above the \$75,000.00 threshold, this action is properly removable to this Court by Defendant pursuant to 28 U.S.C. § 1441(b).

13. Pursuant to 28 U.S.C. §1446(d), written notice of this Notice of Removal of this action is being immediately filed with the Superior Court of New Jersey, Gloucester County, Law Division.

14. Pursuant to 28 U.S.C. §1446(d), a copy of this Notice of Removal of this action is being served upon Plaintiff.

WHEREFORE, Defendant Truist Bank gives notice that this action is removed from the Superior Court of New Jersey, Gloucester County, Law Division, to the United States District Court for the District of New Jersey.

REED SMITH LLP

Dated: March 19, 2020

By: /s/ Diane A. Bettino
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